

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PORFIRIO DUARTE-HERRERA,

Petitioner,

vs.

WARDEN BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:15-cv-01843-GMN-CWH

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

On November 17, 2015, the Court appointed the Office of the Federal Public Defender to represent petitioner in this habeas action. (ECF No. 3). The Federal Public Defender has identified a conflict of interest with the petitioner, and has indicated to the Court its inability to represent petitioner. (ECF No. 4). The Court's Criminal Justice Act (CJA) Coordinator has located alternate counsel to represent petitioner in this action: Angela Dows, Esq., 1333 North Buffalo Drive, Suite 210, Las Vegas, NV 89128. Ms. Dows is a Criminal Justice Act panel attorney for the United States District Court, District of Nevada. Ms. Dows shall represent petitioner in all future proceedings in this court relating to this matter (including subsequent actions) and appeals therefrom, pursuant to 18 U.S.C. § 3006A(2)(B), until allowed to withdraw. The Court now sets a schedule for further proceedings in this action.

1 **IT IS THEREFORE ORDERED** that the Office of the Federal Public Defender is
2 **HEREBY RELEASED** as counsel for petitioner.

3 **IT IS FURTHER ORDERED** that Angela Dows, Esq., is **HEREBY APPOINTED** to
4 represent the petitioner in this action. Ms. Dows shall have **thirty (30) days** from the date of entry
5 of this order to **FILE AND SERVE** on respondents a notice of appearance indicating her
6 representation of petitioner.

7 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
8 **SERVE** Ms. Dows with a copy of this order, together with a copy of the petition for writ of habeas
9 corpus and its attachments (ECF No. 1-1).

10 **IT IS FURTHER ORDERED** that counsel for petitioner shall meet with petitioner as soon
11 as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b)
12 discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus
13 relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief
14 must be raised at this time in this action and that the failure to do so will likely result in any omitted
15 grounds being barred from future review.

16 **IT IS FURTHER ORDERED** that petitioner shall have **ninety (90) days** from the date of
17 entry of this order, to **FILE AND SERVE** on respondents an amended petition for writ of habeas
18 corpus, which shall include all known grounds for relief (both exhausted and unexhausted).

19 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** after service
20 of an amended petition within which to answer, or otherwise respond to, the amended petition. If
21 petitioner does not file an amended petition, respondents shall have **forty-five (45) days** from the
22 date on which the amended petition is due within which to answer, or otherwise respond to,
23 petitioner's original petition.

24 **IT IS FURTHER ORDERED** that if and when respondents file an answer, petitioner shall
25 have **forty-five (45) days** after service of the answer to file and serve a reply.

26 **IT IS FURTHER ORDERED** that all exhibits filed by the parties herein shall be filed with
27 an index of exhibits identifying the exhibits by number. Exhibits filed in the CM/ECF system must
28 correspond to the numbered exhibits identified in the index of exhibits.

